



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Marvin Vincent Brewer

FILED: January 31, 2001

INVENTION: Regulatory Gate System for  
Product Drop Off Of Vibratory Conveyors

SERIAL No: 09/774,892

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GROUP ART UNIT:

**RECEIVED**

EXAMINER: APR 10 2002

**GROUP 3600**

ATTY FILE: CFLAY.00035

**REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT**

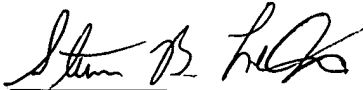
Applicant hereby requests reconsideration of the holding of abandonment for the above-referenced application (hereafter "application"). On March 27, 2002, Ms. Durham in the Office of Initial Patent Examination informed Applicant's attorneys via telephonic communication that the application is now deemed to be abandoned because of non-receipt of payment in the amount of \$130.00 for a late oath/declaration surcharge. Respectfully, Applicant disagrees with the abandonment because the surcharge should have been taken from Applicant's Attorneys' Deposit Account. *See* Exhibit A included with this submission.

On January 31, 2001, Applicant filed the application with an incomplete declaration and power of attorney. Applicant was aware that the declaration and power of attorney was incomplete so Applicant filed a completed declaration and power of attorney on March 19, 2001. *See* Exhibit B included with this submission. However, a surcharge payment for a late oath/declaration was not included in that submission. Because a surcharge payment is required for filing a late oath/declaration and Applicant did not include payment with the same, the United States Patent and Trademark Office should have charged the surcharge fee to Applicant's Attorneys' Deposit Account.

Applicant's Attorneys authorized the Commissioner to charge indicated fees and any additional fee required under 37 CFR 1.16 and 1.17 when Applicant filed "Fee Transmittal for FY 2000" (form PTO/SB/17 (12/99)) on January 31, 2001 with the filing of the application. See Exhibit A. The surcharge for late filing of an oath/declaration is an additional fee required under 37 CFR 1.16(e). As the authorization to charge the deposit account was a broad authorization under 37 CFR 1.25, the Office should have charged Attorneys' deposit account when the surcharge payment was not included in the submission of the late oath/declaration. See MPEP 509.01.

Applicant respectfully requests that the holding of abandonment for the application be removed for the reasons stated herein and that the application now be forwarded for examination on its merits.

Respectfully submitted,



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Steven B. Leavitt  
Registration No. 45,318  
Attorney for Applicant

CARSTENS, YEE & CAHOON, L.L.P.  
P.O. Box 802334  
Dallas, TX 75380  
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Certificate of Mailing

I hereby certify that this document is being deposited, pursuant to 37 C.F.R. 1.10, with the United States Postal Service via first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on March 29, 2002.

Name: Christine M. Wolski  
Christine M. Wolski



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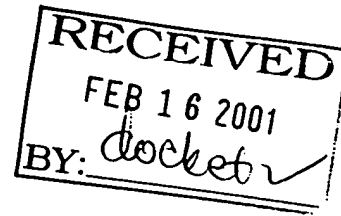
# EXHIBIT A

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT


INVENTION: Regulatory Gate System For Product Drop Off Of Vibratory Conveyors

APPLICANT: Marvin Vincent Brewer

SERIAL NO.: 09/774,892



January 31, 2001  
Colin P. Cahoon

jc841 U.S. PTO  
09/774892  
  
01/31/01

Applicant: Vincent Brewer  
Title: Safety Valve Utilizing an Isolation Valve  
File: CFLAY.00035

On the date stamped hereon, the U.S. Patent and Trademark Office  
received the following:

1. Transmittal Letter;
2. Patent Application
3. Fee Transmittal
4. Check in the amount of \$1,176.00
5. Declaration & POA of Sole Inventor
6. Postcard Acknowledgement

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ ) 1,176.00

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Vincent Brewer
Examiner Name	
Group / Art Unit	
Attorney Docket No.	CFLAY.00035

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APR 10 2002

GROUP 3600

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																				
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: 50-0392</p> <p>Deposit Account Name: Carstens, Yee &amp; Cahoon, L.L.P.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table><thead><tr><th>Large Entity Fee Code</th><th>Small Entity Fee Code</th><th>Fee (\$)</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td></td></tr><tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td></td></tr><tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr><tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>580</td><td>244</td><td>290</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146</td><td>690</td><td>246</td><td>345</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>149</td><td>690</td><td>249</td><td>345</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td colspan="5">Other fee (specify) _____</td><td></td></tr><tr><td colspan="5">Other fee (specify) _____</td><td></td></tr><tr><td colspan="5">SUBTOTAL (3) (\$ ) 0.00</td><td></td></tr></tbody></table>	Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Vincent J. Allen	Registration No. (Attorney/Agent)	45,514
Signature		Telephone	972-367-2001
		Date	January 31, 2001

### WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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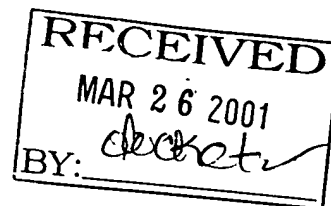
## EXHIBIT B

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

INVENTION: Regulatory Gate System For Product Drop Off Of Vibratory Conveyors

APPLICANT: Marvin Vincent Brewer

SERIAL NO.: 09/774,892



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GROUP 3600

March 19, 2001  
Colin P. Cahoon

09/774,892

Applicant: Vincent Brewer  
Title Regulatory Gate System For  
Product Drop Off Of Vibratory Conveyors  
File: CFLAY.00035



On the date stamped hereon, the U.S. Patent and Trademark Office  
received the following:

1. Transmittal Letter;
2. Assignment;
3. Power of Attorney By Assignee;
4. Declaration and Power of Attorney -Sole Inventor;
5. Postcard Acknowledgement



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/774,892	
	Filing Date	January 31, 2001	
	First Named Inventor	Vincent Brewer	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number	CFLAY.00035

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____  Remarks	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Postcard acknowledgement

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GROUP 3600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	CARSTENS, YEE & CAHOON, L.L.P.
Signature	
Date	March 19, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <span>March 19, 2001</span>			
Typed or printed name	Robin Hewett		
Signature		Date	March 19, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: M. Vincent Brewer

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ATTY FILE: CFLAY.00035

TRANSMITTAL LETTER

To: Assistant Commissioner for Patents  
Washington, D.C. 20231

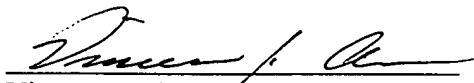
**RECEIVED**  
APR 10 2002  
**GROUP 3600**

Sir:

Transmitted herewith for filing, please find the following:

1. Transmittal in duplicate;
2. Assignment;
3. Declaration and Power of Attorney – Sole Inventor
4. Power of Attorney By Assignee; and
5. Postcard acknowledging receipt.

Respectfully Submitted,

  
\_\_\_\_\_  
Vincent J. Allen  
Attorney/Agent for Applicant  
Registration No. 45,514



Certificate of Mailing

I hereby certify that the above listed documents identified as items 1 through 5, which are attached hereto, are being deposited with the United States Postal Service via first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on March 19, 2001.

Name

*Robin Hewett*  
Robin Hewett

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## ASSIGNMENT

**WHEREAS, I, Marvin Vincent Brewer**, a citizen of the United States residing at 10301 Megan Court, Frisco, Collin County, Texas 75038, am the inventor of the invention **Regulatory Gate System For Product Drop Off Of Vibratory Conveyors**, for which I have executed an application for Letters Patent of the United States with attorney reference number CFLAY.00035; and

**WHEREAS, RECOT, INC.**, incorporated in the state of Delaware, with a place of business at 5000 Hopyard Road, Suite 460, Pleasanton, California 94588 is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application;

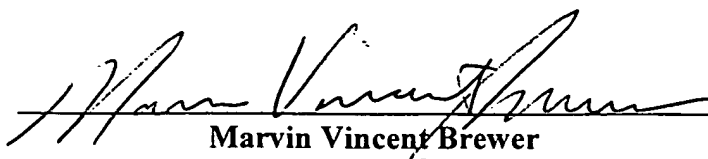
**NOW, THEREFORE**, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I the said **Marvin Vincent Brewer** have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **RECOT, INC.**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said invention in any country or countries foreign to the United States, and all Letters Patent which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof and all rights of priority in any such country or countries based upon the filing of the said application for Letters Patent of the United States which are created by any law, treaty or international convention; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to the said **RECOT, INC.**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

**AND I HEREBY** covenant that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

**AND I HEREBY** further covenant and agree that I will communicate to said **RECOT, INC.**, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said **RECOT, INC.**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set  
opposite my signature.

Date: 2/3/01 2001

 L.S.  
Marvin Vincent Brewer